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8 F.S.B.

9

10 UNITED STATES DISTRICT COURT  
11 CENTRAL DISTRICT OF CALIFORNIA

<p>12 INDYMAC BANK, F.S.B.,</p> <p>13 Plaintiff,</p> <p>14 vs.</p> <p>15 GENEVA MORTGAGE CORP.,</p> <p>16 Defendant.</p>	<p>Case No. CV 07-1914 R (MANx)</p> <p><del>{PROPOSED}</del> REVISED FINAL JUDGMENT</p>
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18 TO DEFENDANT GENEVA MORTGAGE CORP.:

19 This action came on for hearing on December 8, 2008, before  
20 the Honorable Manuel L. Real, District Court Judge Presiding, on  
21 a Motion for Partial Summary Judgment and a Motion to Compel the  
22 Deposition of Keith Haffner and Request for Terminating and  
23 Monetary Sanctions. The Court made the following Orders:

24 1. On December 30, 2008, the Court entered a Partial  
25 Summary Judgment against defendant GENEVA MORTGAGE CORP.  
26 ("GENEVA"). Pursuant to the Partial Summary Judgment, the Court  
27 ruled that GENEVA breached the terms of the contract between  
28 GENEVA and plaintiff FEDERAL DEPOSIT INSURANCE CORPORATION, as

1 conservator for INDYMAC FEDERAL BANK, F.S.B. ("INDYMAC") as it  
 2 relates to the mortgage loans sold to INDYMAC and identified in  
 3 INDYMAC's Motion for Partial Summary Judgment as the Archer I and  
 4 II Loans, Clarke I and II Loans, Frasile Loan, Lalluisa I and II  
 5 Loans, Perez Loan, Pratt I and II Loans, Puckett Loan, Reyes  
 6 Loan, Rivera I and II Loans. Partial Summary Judgment in the  
 7 amount of **\$2,352,255.42** is awarded against GENEVA, plus interest,  
 8 attorneys' fees and costs and that damages award would be  
 9 included in the final judgment of the Court;

10 2. On December 30, 2008, the Court entered an Order for  
 11 terminating sanctions against GENEVA pursuant to Federal Rule of  
 12 Civil Procedure 37(d)(1)(A), struck GENEVA's Answer to the  
 13 Complaint and entered GENEVA's default judgment;

14 3. On February 12, 2009, the Court approved and filed  
 15 costs in favor of INDYMAC and against GENEVA in the amount of  
 16 **\$955.90**; and

17 4. On March 2, 2009, the Court granted INDYMAC's  
 18 Application for Attorneys' Fees and awarded INDYMAC reasonable  
 19 attorneys' fees in the amount of **\$80,021.50** pursuant to Code of  
 20 Civil Procedure §§ 1032 and 1033.5 and Civil Code § 1717.

21 As a result of the foregoing, the evidence presented having  
 22 been fully considered, the issues having been duly heard and  
 23 decisions having been duly rendered,

24 **IT IS HEREBY ORDERED AND DECREED** judgment is rendered in  
 25 favor of the FEDERAL DEPOSIT INSURANCE CORPORATION, as  
 26 conservator for INDYMAC FEDERAL BANK, F.S.B. and against GENEVA  
 27 MORTGAGE CORP., in the amount of **\$2,352,255.42** plus interest,

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1 attorneys' fees in the amount of **\$80,021.50**, and costs in the  
2 amount of **\$955.90**.

3  
4 Dated: March 9, 2009



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Manuel L. Real  
Judge of the United States District  
Court

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PROOF OF SERVICE

## STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of eighteen years and not a party to the within action; my business address is Thirty-First Floor, 444 South Flower Street, Los Angeles, California 90071-2901.

On March 6, 2009, I served the following document(s) described as **[PROPOSED] REVISED FINAL JUDGMENT** on the interested parties in this action by placing true copies thereof enclosed in sealed envelopes addressed as follows:

Bob Bellar	Defendant in Pro
Geneva Mortgage Corp.	Per
100 North Centre Avenue	
Rockville Centre, NY 11570	
Telephone: (888) 338-3863	

**BY CERTIFIED MAIL:** I am "readily familiar" with Anderson, McPharlin & Connors' practice for collecting and processing correspondence for mailing with the United States Postal Service. Under that practice, it would be deposited with the United States Postal Service that same day in the ordinary course of business. Such envelope(s) were placed for collection and mailing with postage thereon fully prepaid at Los Angeles, California, on that same day following ordinary business practices.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made. Executed on March 6, 2009, at Los Angeles, California.

/s/  
Sherry A. Plouff